

REMARKS/ARGUMENTS

Claims 1, 3-8, 10, and 12-15, 18-22, 25-29, 32-36 and 39 are active. Claims 16, 17, 23, 24, 30, 31, and 37 and 38 were withdrawn from consideration. Claims 1, 7, 8 and 10 are the independent claims. Claim 7 has been allowed.

The specification has been revised to make some editorial clarifications. Claims 2, 9 and 11 have been respectively merged into independent Claims 1, 8 and 10. Various revisions to make the claims more consistent with U.S. practice have been made. Accordingly, the Applicants do not believe that any new matter has been added.

Restriction/Election

The Applicants previously elected Group I with traverse. The Restriction Requirement has now been made FINAL. The Applicants respectfully request that the claims of the nonelected groups which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Rejection—35 U.S.C. §102(a)

Claims 1, 8, 10, 12-15, 18, 26-29, 32-36, and 39 were rejected under 35 U.S.C. 102(a) as being anticipated by Bair et al., WO 02/22577. This rejection may be withdrawn in view of the amendments above which merge the limitations of Claims 2, 9 and 11 into independent Claims 1, 8 and 10. Claims 2, 9 and 11 were not subject to this rejection.

Rejection—35 U.S.C. §102(a)

Claims 1, 8, 10, 12-15, 18, 26-29, 32-36, and 39 were rejected under 35 U.S.C. 102(a) as being anticipated by Bhagwat et al., WO 02/24653. This rejection may be withdrawn in

view of the amendments above which merge the limitations of Claims 2, 9 and 11 into independent Claims 1, 8 and 10. Claims 2, 9 and 11 were not subject to this rejection.

Rejection—35 U.S.C. §102(e)

Claims 1, 8, 10, 12-15, 18, 26-29, 32-36, and 39 were rejected under 35 U.S.C. 102(e) as being anticipated by Bair et al., WO 02/22577. This rejection may be withdrawn in view of the amendments above which merge the limitations of Claims 2, 9 and 11 into independent Claims 1, 8 and 10. Claims 2, 9 and 11 were not subject to this rejection.

Rejection—35 U.S.C. §102(e)

Claims 1, 8, 10, 12-15, 18, 26-29, 32-36, and 39 were rejected under 35 U.S.C. 102(e) as being anticipated by Bhagwat et al., WO 02/24653. This rejection may be withdrawn in view of the amendments above which merge the limitations of Claims 2, 9 and 11 into independent Claims 1, 8 and 10. Claims 2, 9 and 11 were not subject to this rejection.

Rejection—35 U.S.C. §112, second paragraph

Claims 1, 8, and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Objections-Claims

Claim 8 was objected to as a substantial duplicate of Claim 1. Claims 1 and 8 are not duplicate claims. For example, Claim 8 lists fewer possible substituents for R<sup>1</sup> and R<sup>4</sup> than does Claim 1 (compare the last substituents listed for these groups in each claim). Accordingly, these claims differ in scope and the objection should be withdrawn.

Allowable Subject Matter

The Applicants thank Examiner Barker for indicating that Claims 2-6, 9, 11, 19-22 and 25 are otherwise in condition for allowance, but for their dependence on a rejected base claim.

Conclusion

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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